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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/760,039	01/12/2001	Joseph Rinchiuso	CE08395R	1866
22917	7590	10/18/2005	EXAMINER	
MOTOROLA, INC. 1303 EAST ALGONQUIN ROAD IL01/3RD SCHAUMBURG, IL 60196				HAILE, FEBEN
		ART UNIT		PAPER NUMBER
		2663		

DATE MAILED: 10/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/760,039	RINCHIUSO ET AL. <i>(RM)</i>
	Examiner Feben M. Haile	Art Unit 2663

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 21 September 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-14 is/are pending in the application.
  - 4a) Of the above claim(s) 10-12 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-9 and 13-14 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 15 January 2004 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____.   |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>1112101, 6179102, 613104</u> | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

## DETAILED ACTION

### ***Specification***

1. The disclosure is objected to because of the following informalities:

**Regarding SUMMARY OF THE INVENTION**, the summary is missing.

Appropriate correction is required.

2. The disclosure is objected to because of the following informalities:

**Regarding DESCRIPTION OF THE DRAWINGS**, figures 7-12 are missing.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Koo et al. (US 6,804,219), hereinafter referred to as Koo.

**Regarding claims 1 and 7**, Koo disclose transmitting data over a wireless data channel at a data rate (**figure 2 unit 200; column 2 line 38; in an active state, data is transmitted on a dedicated traffic channel at a rate**); determining that no more data needs to be transmitted (**column 2 lines 43-46; data transmission is discontinued**); and delaying dropping the data channel for a time period based on the data rate

**(column 3 lines 60-63; data transmission is discontinued for a predetermined time in a low rate transmission substate before the dedicated traffic channel is released into a control hold state).**

**Regarding claim 2,** Koo discloses wherein the step of transmitting data over the wireless data channel comprises the step of transmitting data over a Code Division Multiple Access (CDMA) Supplemental Channel **(column 1 lines 49-54; communication between a base station and mobile station use dedicated channels such as a supplemental channel).**

**Regarding claim 3,** Koo discloses wherein the step of delaying dropping the data channel for a time period based on the data rate comprises the step of delaying dropping the data channel for a time period, wherein the time period is proportional to the data rate **(column 3 lines 60-63; data transmission is discontinued for a predetermined time in a low rate transmission substate before the dedicated traffic channel is released into a control hold state).**

**Regarding claim 4,** Koo discloses operating a data transmitter in a CDMA Active state **(figure 2 unit 200; column 2 line 38; in an active state, data is transmitted on a dedicated traffic channel at a rate; determining that no more data needs to be transmitted over a CDMA supplemental channel (column 2 lines 43-46; data transmission is discontinued); prior to operating the data transmitter in a Control Hold state, delaying transition to the Control Hold state for a period of time, wherein the period of time is based on a data rate; and operating the data transmitter in a Control Hold state (column 3 lines 60-63; data transmission is discontinued for a**

**predetermined time in a low rate transmission substate before the dedicated traffic channel is released into a control hold state).**

**Regarding claim 5, Koo discloses wherein the step of operating the data transmitter in the CDMA Active state comprises the step of transmitting via a dedicated control channel and a CDMA supplemental channel (**column 1 lines 49-54; communication between a base station and mobile station use dedicated channels such as a dedicated control channel or a supplemental channel**).**

**Regarding claim 6, Koo discloses wherein the step of operating the data transmitter in the CDMA Active state comprises the step of transmitting via a dedicated control channel only (**column 3 lines 19-21; the active state is assigned to a DCCH, dedicated control channel**).**

**Regarding claim 8, Koo discloses wherein the period of time is proportional to the data rate (**column 3 lines 60-63; data transmission is discontinued for a predetermined time in a low rate transmission substate before the dedicated traffic channel is released into a control hold state**).**

**Regarding claim 9, Koo discloses wherein the channel circuitry comprises CDMA fundamental channel circuitry (**column 1 lines 49-54; communication between a base station and mobile station use dedicated channels such as a fundamental channel**).**

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2663

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koo et al. (US 6,804,219), hereinafter referred to as Koo, as applied to claims 1-9 above, and further in view of Lohtia et al. (US 2002/0082033), hereinafter referred to as Lohtia.

**Regarding claims 13-14,** Koo discloses the limitations of base claim 1 and 7.

Koo fails to teach establishing a temporary block flow (TBF) between a transmitting device and a receiving device to transmit data over the wireless data channel; and delaying termination of the TBF by transmitting dummy data over the wireless data channel

Lohtia discloses establishing a temporary block flow (TBF) between a mobile station and base station (**page 2 paragraph 0024**). Lohtia further teaches that the base station and mobile station send messages to each other when the end of a TBF is detected before releasing the TBF (**page 3 paragraph 0029**).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Koo to incorporate the method of delaying the release of a connection between two devices as taught by Lohtia. The motivation being enhancing performance of bursty packet based communications over a wireless network

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure

Art Unit: 2663

- a) Hsu et al. (US 2004/0196820), Mechanisms of Control Hold Operation and MAC\_ID Assignment for CDMA2000 1XEV-DV Reverse Enhanced High-Speed Packet Data Channel
- b) Gray et al. (US 6,473,419), State Apparatus and Associated Methods for Controlling Packet Data Communications in a Radio Communications System
- c) Seo (US 6,463,044), Traffic Load Control for CDMA Mobil Communications System
- d) Khaleghi et al. (US 2003/0040315), Reduced State Transition Delay and Signaling Overhead for Mobile Station State Transitions

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Feben M. Haile whose telephone number is (571) 272-3072. The examiner can normally be reached on 6:00am - 3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on (571) 272-3139. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

4/10/14/2005

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